

# HOUSE BILL No. 1520

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-33-1.5.

**Synopsis:** Obtaining blood samples from arrested persons. Requires a person who bites a law enforcement officer during or after an arrest to provide a blood sample that may be used to determine if the person has an infectious, a contagious, or a communicable disease. Specifies that test results on blood samples may be disclosed only to: (1) the law enforcement officer who was bitten; and (2) the person from whom the blood sample is taken. Provides civil and criminal immunity for persons who are required to obtain the blood samples or conduct tests on the blood samples.

**Effective:** July 1, 2005.

**Alderman**

January 18, 2005, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1520

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 34-30-2-146.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 146.8. IC 35-33-1.5-6 (Concerning obtaining blood samples from arrested persons).**

SECTION 2. IC 35-33-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 1.5. Obtaining Blood Samples From Arrested Persons**

**Sec. 1. If:**

**(1) a law enforcement officer arrests a person; and**

**(2) the person bites the law enforcement officer during or after the arrest;**

**the person shall provide a blood sample that may be used to determine if the person has an infectious, a contagious, or a communicable disease.**

**Sec. 2. (a) A physician or a person trained in obtaining blood samples and acting under the direction of or under a protocol**



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prepared by a physician shall obtain a blood sample required by section 1 of this chapter if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has arrested the person from whom the blood sample is to be obtained.

(B) That the arrested person bit the law enforcement officer during or after the arrest.

(C) That the person from whom the sample is to be obtained has been transported to a hospital or other medical facility.

(3) Not more than the use of reasonable force is necessary to obtain the blood sample.

(b) A person authorized under this chapter to obtain a blood sample shall take the sample in a medically accepted manner.

(c) If the person:

(1) from whom the blood sample is to be obtained under this chapter does not consent; and

(2) resists the taking of a blood sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this chapter to obtain a sample, in the taking of the sample.

(d) A blood sample obtained from a person under this chapter may only be used to determine if the person has an infectious, a contagious, or a communicable disease.

**Sec. 3.** A law enforcement officer may transport a person to a place other than a hospital where a blood sample may be obtained under this chapter by any of the following persons who are trained in obtaining blood samples and who have been engaged to obtain samples under this chapter:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5).

(5) An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).

(6) A paramedic (as defined in IC 16-18-2-266).

**Sec. 4.** A physician or a person trained in obtaining blood

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1 samples and acting under the direction of or under a protocol  
2 prepared by a physician, who:

- 3 (1) obtains a blood sample from a person, regardless of  
4 whether the sample is taken for diagnostic purposes or at the  
5 request of a law enforcement officer; or  
6 (2) performs a diagnostic test on the blood obtained from a  
7 person;

8 under this chapter shall deliver the blood sample or disclose the  
9 results of the test to the law enforcement officer who requests the  
10 blood sample or test results. Blood samples and test results shall be  
11 provided to a law enforcement officer even if the person has not  
12 consented to or otherwise authorized their release.

13 Sec. 5. Test results on blood samples obtained under this chapter  
14 may be disclosed only to:

- 15 (1) the law enforcement officer who was bitten; and  
16 (2) the person from whom the blood sample is taken.

17 Sec. 6. A physician, a hospital, or an agent of a physician or  
18 hospital is not civilly or criminally liable for any of the following:

- 19 (1) Obtaining a blood sample in accordance with this chapter.  
20 (2) Delivering a blood sample in accordance with this chapter.  
21 (3) Disclosing test results in accordance with this chapter.  
22 (4) Failing to treat a person from whom a blood sample is  
23 obtained at the request of a law enforcement officer if the  
24 person declines treatment.  
25 (5) Injury to a person arising from the performance of duties  
26 in good faith under this chapter.

27 Sec. 7. (a) For purposes of this chapter, the privileges arising  
28 from a patient-physician relationship do not apply to the blood  
29 samples or test results obtained under this chapter.

30 (b) The exceptions to the patient-physician relationship specified  
31 in subsection (a) do not affect those relationships in a proceeding  
32 not covered by this chapter.

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